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LORENZO F. GARCIA
U.S. MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CARL WILSON, an individual,)	Case No.
and AUDREE WILSON, an)	
individual,)	COMPLAINT FOR LIBEL
)	
Plaintiffs,)	JURY TRIAL DEMANDED
)	
v.)	
)	
HARPERCOLLINS PUBLISHERS,)	
INC., a Delaware corporation,)	
and EUGENE LANDY, an)	
individual,)	
)	
Defendants.)	

COME NOW PLAINTIFFS CARL WILSON AND AUDREE WILSON who allege
as follows:

FACTS COMMON TO ALL ALLEGATIONS

1. Plaintiff Carl Wilson ("Carl") is and, at all times
herein mentioned, was an individual residing in the State of
Colorado.

2. Plaintiff Audree Wilson ("Audree") is and, at all times
herein mentioned, was an individual residing in the County of Los
Angeles, State of California.

1 3. Plaintiffs are informed and believe and thereupon
2 allege that defendant HarperCollins Publishers, Inc.
3 ("HarperCollins") is a corporation duly organized and existing
4 under the laws of the State of Delaware with principal business
5 offices in New York City.

6 4. Plaintiffs are informed and believe and thereupon
7 allege that defendant Eugene Landy ("Landy") is an individual
8 residing in the State of New York.

9 5. The tortious acts complained of herein were committed,
10 in part, in the State of New Mexico, and plaintiffs sustained
11 injury in said state as a consequence of said tortious acts.

12 6. The jurisdiction of this Court is invoked pursuant to
13 28 U.S.C. 1332(a) which confers the subject matter jurisdiction
14 on the United States District Court in all cases in which there
15 is a diversity of citizenship and the amount in controversy
16 exceeds the sum of \$50,000, excluding interest and costs.

17 7. Venue is proper pursuant to 28 U.S.C. section 1391(a)
18 and (c).

19 8. Plaintiffs are informed and believe and thereupon
20 allege that, at all relevant times, each of the defendants was
21 acting as agent and/or employee of the other defendant, or in
22 some manner controlled the actions of the other defendants, and
23 in doing the things alleged herein was acting within the course
24 and scope of such agency and/or employment. Plaintiffs further
25 allege that, at all times herein mentioned, each of the
26 defendants was acting with the permission and consent of the
27
28

1 other defendant and/or ratified the actions of the other
2 defendant.

3 9. Within the three (3) years of the filing of this
4 Complaint, defendants Landy and HarperCollins caused to be
5 written, printed, published and disseminated to the general
6 public, including the public throughout the State of New Mexico,
7 a book entitled Wouldn't It Be Nice (the "Book"). The Book was
8 purportedly written by Brian Wilson with Todd Gold.

9 10. Plaintiffs are informed and believe and thereupon
10 allege that Landy collaborated extensively in the authorship of
11 the Book, and in doing so, altered and manipulated sources.

12 **FIRST CLAIM FOR RELIEF**

13 **(Libel Against Both Defendants)**

14 11. Plaintiff Audree Wilson hereby repeats and realleges
15 paragraphs 1 through 10 hereinabove and incorporate said
16 paragraphs herein by reference as though set forth at length.

17 12. The Book contained the following statements of and
18 concerning Audree that are false and defamatory:

19 "I suppose my mother drank to ease her pain;"
20 Book, p. 17.

21 "My mom had been drinking. She looked
22 helpless and frightened, more frightened than
23 I was."

24 Book, p. 18.

25 "My mother was no help. She almost never
26 opposed my father, almost never rose up and
27 defended her children. . . . Who knows? She
28 might've been abused herself. I often saw

1 her pour a drink in the afternoon and
2 continue sipping throughout the evening. She
3 was passive and aloof by the time my dad came
4 home, a bystander who refused to intercede in
5 the flagrant child abuse going on in front of
6 her."

7 Book, p. 27.

8 "She once looked on as he tied me to a tree
9 for punishment. Another time, while the rest
10 of the family was eating dinner, my dad
11 barged into my room and caught me
12 masturbating. . . . Not hiding his disgust,
13 he shouted to my mom 'the boy's not to have
14 dinner for two nights.' My mom complied.
15 She sipped nervously and anxiously at her gin
16 and tonic."

17 Book, p. 27.

18 "[My father] stalked off, irate, muttering
19 threats under his breath, and continuing his
20 tirade in another room. My mother listened
21 passively, as always, refusing to take either
22 side in the matter."

23 Book, p. 48.

24 13. These and other statements in the Book are defamatory
25 per se in that they falsely portray Audree as an alcoholic, an
26 unfit mother and as an individual so emotionally demoralized that
27 she was incapable of defending herself or her children against
28 severe abuse. Said statements expose Audree to contempt,

1 ridicule and obloquy, and have a tendency to injure her in her
2 vocation.

3 14. At the time defendants made said statements, they knew
4 that said statements would expose Audree to contempt, ridicule
5 and obloquy, and would have a tendency to injure her in her
6 vocation.

7 15. Plaintiff Audree Wilson is informed and believes and
8 thereupon alleges that defendants made the defamatory statements
9 alleged hereinabove with actual malice (also known as
10 constitutional malice), in that said defamatory statements were
11 made with knowledge that they were false or with reckless
12 disregard for their truth or falsity. Said plaintiff further
13 alleges that defendants knew that they had no reasonable basis in
14 fact to make said statements and that they had no reliable and
15 unbiased information with which to support said statements.
16 Plaintiffs further allege that defendants failed to properly
17 determine the truth or falsity of said statements prior to
18 publication.

19 16. Plaintiff Audree Wilson is informed and believes and
20 thereupon alleges that defendants were negligent in making the
21 defamatory statements alleged hereinabove, in that said
22 statements were made without the exercise of ordinary and
23 reasonable care as to the truth or falsity of the statements.

24 17. Defendants caused the Book to be distributed throughout
25 the United States. The Book was widely sold in the State of New
26 Mexico. Accordingly, the above-enumerated defamatory statements
27 were seen and read by persons who reside in the State of New
28 Mexico. Defendants knew, or should have known, that said

1 defamatory statements would be read by individuals who reside in
2 said county and state.

3 18. As a direct and proximate result of the publication of
4 said defamatory statements, Audree has suffered damage to her
5 reputation, shame, mortification, and emotional distress, all to
6 her general damage in the amount of Five Million Dollars
7 (\$5,000,000).

8 19. Defendants' conduct was intentional and was done
9 maliciously, with ill will towards Audree and in conscious
10 disregard for her rights. As a result, Audree is entitled to
11 punitive damages in an amount to be proven at trial.

12
13 **SECOND CLAIM FOR RELIEF**

14 **(For Libel Against All Defendants)**

15 20. Plaintiff Carl Wilson hereby repeats and realleges
16 paragraphs 1 through 10 hereinabove and incorporate said
17 paragraphs herein by reference as though set forth at length.

18 21. The Book contained the following false and defamatory
19 statements of and concerning Carl:

20 "One night, Dennis, Carl, and I were
21 drunkenly walking through the redlight
22 district in Amsterdam, heading for a
23 restaurant while Dennis tried talking me into
24 sampling one of the local girls." . . . "The
25 piano bench was knocked over, punches were
26 exchanged and before I knew it Carl and
27 Dennis were dragging me out the front door
28 and hustling me back to the hotel." . . .

1 "After downing a few, Dennis, Carl, and Mike
2 hit the dancefloor."

3
4 "Dennis smuggled heroin into New Zealand
5 . . . Carl, trying to calm the turbulence by
6 admitting his involvement in the purchase of
7 the heroin, ended up getting punched in the
8 face by Rocky."

9 Book, p. 252.

10 "Within a week Carl was in Dr. Landy's
11 office, asking how much the treatment would
12 cost." . . . "Dr. Landy explained himself
13 clearly, knowing Carl was going to take the
14 information he got from the meeting and tell
15 Marilyn, who had helped him through the
16 dissolution of his marriage and now was
17 providing him comfort in dealing with me."
18 . . . "Carl never liked Dr. Landy's bluntness
19 and was scared of him." . . . "Carl and Al
20 complained Dr. Landy's fees were outrageous."
21 . . . "Predictably, the first thing they
22 wanted to discuss wasn't my health, it was
23 Dr. Landy's fee."

24 Book, pp. 273-275.

25 "I don't care if he ever sings, plays again,
26 or makes one more note of music," said Carl."

27 Book, p. 276.

28 ". . . Several weeks before Christmas 1983,

1 Carl and his manager, Jerry Schilling,
2 approached Dr. Landy about treating Dennis."
3 . . . "The next day, Schilling called Landy
4 and told him Carl needed longer to make up
5 his mind. The price was steep, too steep, he
6 thought for the Beachboys to carry." "Beyond
7 that, Carl didn't want to upset his family's
8 holiday plans by having, as Dr. Landy
9 suggested, an intervention in Lake Arrowhead.
10 Carl suggested talking after the holidays."
11 . . . "Carl was adamant, though; he didn't
12 want to deal with the problem until after New
13 Year."

14 Book, pp. 311-312.

15 "Carl didn't know what to do. Before making
16 any decisions, he insisted on consulting with
17 John Rogers, a cult leader Carl referred to
18 as his spiritual master."

19 Book, p. 314.

20 "In early 1986, Carl threw his weight into
21 the war against Dr. Landy." . . . "But the
22 Beachboys loathed the independence Dr. Landy
23 was giving me. They hated that I was
24 beginning to be able to say no to them and
25 act on my own thoughts. They resented that I
26 wrote songs, not with Dr. Landy, but without
27 them. . . .

28 "The struggle escalated when Carl began

1 withholding my paychecks and money. That
2 authority was his through the Brian Wilson
3 Trust of 1982, which he had me sign prior to
4 Dr. Landy's beginning treatment again . . ."

5 Book, p. 332.

6 "In Carl's opinion, the trust was supposed to
7 protect me from Dr. Landy, but as I got
8 saner, I began questioning my brother. I
9 couldn't remember signing the document in the
10 first place. I was too incompetent at the
11 time to know what I was signing."

12 Book, p. 333.

13 "Filed by the Attorney General's office, the
14 BMQA's charges originated with a complaint
15 filed by Carolyn Williams in 1984. They were
16 then fueled by the journal Gary Usher
17 compiled while we wrote songs together the
18 previous year and pressed by Marilyn and
19 Carl."

20 Book, p. 351.

21 "As soon as the Beachboys returned to L.A.,
22 he [Carl] had me sign a trust document,
23 giving him control of both my money and my
24 vote in the Beachboys' corporation, Brother
25 Records, Inc. I didn't know what I was
26 signing, though he assured me it was for my
27 own protection."

28 Book, p. 268.

1 "For the first hour or so, Mike, Al, and Carl
2 avoided me like the plague.

3
4 "Then I decided to take action. I found Carl
5 in his dressing room and asked if he wanted
6 to talk about what was going on.

7
8 'I can't, Brian,' he said. 'I've got to take
9 care of some business I've got going in
10 Colorado.' . . . It was clear they were
11 shutting me out."

12 Book, p. 371.

13 "My brother Carl, on the other hand, stayed
14 in his room and drank."

15 Book, p. 376.

16 ". . . I was performing on my own, making my
17 own decisions, even venturing out to art
18 museums and restaurants while Carl was holed
19 up in his room, avoiding the outside world,
20 still drinking heavily, blind to his own
21 problems." . . . "But then Carl had trouble
22 making even the simplest decisions. He had
23 always needed to consult with numerous people
24 -- his wife, lawyers, his spiritual master,
25 John Rogers."

26 Book, p. 378.

27 "Carl never once tried to talk to me
28 personally. He showed absolutely no

1 sensitivity that I was being stripped of my
2 dignity and rights as a human being."

3 Book, p. 387.

4 22. These and other statements in the Book are defamatory
5 per se in that, inter alia, they falsely portray Carl as an
6 abuser of alcohol; falsely impute to him involvement in the
7 purchase of illegal narcotics; falsely characterize him as an
8 emotionally troubled, weak individual who could be easily
9 intimidated and/or controlled by his wife, John Rogers, defendant
10 Landy, and others; falsely suggest that he was callous and
11 unconcerned about his brother Brian's physical and emotional
12 health and was willing to risk Brian's life to save money;
13 falsely state that he wrongfully withheld money that was payable
14 to Brian; and falsely state that he obtained control over Brian's
15 funds and Brian's position within the Beachboys' corporation by
16 trick and for improper purposes. Said statements expose Carl to
17 contempt, ridicule and obloquy, and have a tendency to injure him
18 in his reputation.

19 23. At the time defendants made said statements, they knew
20 that said statements would expose Carl to contempt, ridicule and
21 obloquy, and would have a tendency to injure him in his
22 occupation.

23 24. Plaintiff Carl Wilson is informed and believes and
24 thereupon alleges that defendants made the defamatory statements
25 alleged hereinabove with actual malice (also known as
26 constitutional malice), in that said statements were published
27 with knowledge that they were false or with reckless disregard
28 for their truth or falsity. Said plaintiff further alleges that

1 defendants knew that they had no reasonable basis in fact to make
2 said statements and that they had no reliable and unbiased
3 information with which to support said statements. Said
4 plaintiff further alleges that defendants failed to properly
5 determine the truth or falsity of said statement prior to
6 publication.

7 25. Plaintiff Carl Wilson is informed and believes and
8 thereupon alleges that defendants were negligent in making the
9 defamatory statements alleged hereinabove, in that said
10 statements were made without the exercise of ordinary and
11 reasonable care as to the truth or falsity of the statements.

12 26. Defendants caused the Book to be distributed throughout
13 the United States. The Book was widely sold in the State of New
14 Mexico. Accordingly, the above-enumerated defamatory statements
15 were seen and read by persons who reside in the State of New
16 Mexico. Defendants knew, or should have known, that said
17 defamatory statements would be read by individuals who reside in
18 said county and state.

19 27. As a direct and proximate result of the publication of
20 said defamatory statements, Carl has suffered damage to his
21 reputation, shame, mortification, and emotional distress, all to
22 his general damage in the amount of Five Million Dollars
23 (\$5,000,000).

24 28. As a further direct and proximate result of the
25 publication of said defamatory statements, Carl has suffered
26 damages in that the public's erroneous belief in the truth of the
27 defamatory statements contained in the Book has caused the public
28 to lose interest in The Beachboys, the professional music group

1 in which Carl performs. As a result of the public's loss of
2 interest, there has been a decline in revenue derived from the
3 group's live performances. The precise amount of Carl's special
4 damages cannot be ascertained with certainty at this time, but is
5 in excess of Fifty Thousand Dollars (\$50,000). Carl will seek
6 leave to amend this Complaint to allege that amount once it has
7 been ascertained.

8 29. Defendants' conduct was intentional and was done
9 maliciously, with ill will towards Carl and in conscious
10 disregard for his rights. As a result, Carl is entitled to
11 punitive damages in an amount to be proven at trial.

12
13 **THIRD CLAIM FOR RELIEF**

14 **(For Libel Against Both Defendants)**

15 30. Plaintiff Carl Wilson hereby repeats and realleges
16 paragraphs 1-10 and 21-29 hereinabove and incorporate said
17 paragraphs herein by reference as though set forth at length.

18 31. Carl is, and at all material times was, a member of the
19 popular musical group professionally known as "The Beachboys."

20 32. The Book contains numerous false and defamatory
21 statements of and concerning The Beachboys, including statements
22 to the effect that The Beachboys deliberately exploited Carl's
23 brother and fellow band member, Brian Wilson, in order to earn
24 more money for themselves. The Book suggests that, in
25 furtherance of that purpose, The Beachboys coerced Brian to write
26 songs and produce records even though the group knew that doing
27 so would damage Brian Wilson's mental health. The Book also
28 falsely suggests that The Beachboys' efforts to obtain and

1 finance psychological/psychiatric treatment for Brian Wilson were
2 motivated by the group's desire to secure a lucrative record
3 deal. The Book falsely alleges that, once that deal was signed,
4 The Beachboys had no further regard for Wilson's mental and
5 physical health. In this vein, the Book falsely states that The
6 Beachboys "almost killed" Brian Wilson by requiring him to work
7 on songs and albums when he was not healthy enough to do so;
8 that, at one point, The Beachboys opposed Wilson's therapy
9 because it was interfering with the group's ability to coerce
10 Brian Wilson to make records with them; that The Beachboys
11 created a "Brian is back" publicity campaign in 1976 without
12 Brian Wilson's consent or approval, which campaign attempted to
13 capitalize on Brian Wilson's illness for pecuniary gain; and that
14 The Beachboys allowed their bodyguards to abuse and intimidate
15 Brian Wilson and his brother, Dennis Wilson.

16 33. Readers of said defamatory statements reasonably
17 understood said statements to have personal reference and
18 application to members of The Beachboys, including Carl.

19 34. As a direct and proximate result of said defamatory
20 statements, The Beachboys' reputation has been injured and the
21 good will associated with The Beachboys' name has been
22 diminished.

23 35. As a further direct and proximate result of said
24 defamatory statements, the business of The Beachboys has been
25 damaged, including but not limited to business resulting from
26 record sales, merchandising and concert tours. As a member of
27 The Beachboys, Carl has suffered pecuniary losses by virtue of
28 the diminution of such business.

1 36. At the time defendants made said statements, they knew
2 that said statements would expose The Beachboys and its members
3 to contempt, ridicule and obloquy, and would have a tendency to
4 injure it in its business.

5 37. Plaintiff Carl Wilson is informed and believes and
6 thereupon alleges that defendants made the defamatory statements
7 alleged hereinabove with actual malice (also known as
8 constitutional malice), in that said statements were made with
9 knowledge that they were false or with reckless disregard for
10 their truth or falsity. Said plaintiff further alleges that
11 defendants knew that they had no reasonable basis in fact to make
12 said statements and that they had no reliable and unbiased
13 information with which to support said statements. Said
14 plaintiff further alleges that defendants failed to properly
15 determine the truth or falsity of said statement prior to
16 publication.

17 38. Plaintiff Carl Wilson is informed and believes and
18 thereupon alleges that defendants were negligent in making the
19 defamatory statements alleged hereinabove, in that said
20 statements were made without the exercise of ordinary and
21 reasonable care as to the truth or falsity of the statements.

22 39. Defendants caused the Book to be distributed throughout
23 the United States. The Book was widely sold in the State of New
24 Mexico. Accordingly, said defamatory statements were seen and
25 read by persons who reside in the State of New Mexico.
26 Defendants knew, or should have known, that said defamatory
27 statements would be read by individuals who reside in said county
28 and state.

1 40. As a direct and proximate result of the publication of
2 said defamatory statements, The Beachboys have suffered damage to
3 its reputation and to the good will associated with The
4 Beachboys' name, all to Carl's general damage in the amount of
5 Five Million Dollars (\$5,000,000).

6 41. Defendants' conduct was intentional and was done
7 maliciously, with ill will towards The Beachboys and in conscious
8 disregard for its rights. As a result, Carl is entitled to
9 punitive damages in an amount to be proven at trial.

10
11 WHEREFORE, plaintiffs pray for judgment as follows:

12 **ON THE FIRST CLAIM FOR RELIEF**

13 1. For general damages in the amount of Five Million
14 Dollars (\$5,000,000); and

15 2. For punitive damages in an amount to be proven at
16 trial.

17 **ON THE SECOND CLAIM FOR RELIEF**

18 1. For general damages in the amount of Five Million
19 Dollars (\$5,000,000);

20 2. For special damages in excess of Fifty Thousand Dollars
21 (\$50,000); and

22 3. For punitive damages in an amount to be proven at
23 trial.


24 **ON THE THIRD CLAIM FOR RELIEF**

25 1. For special damages in the amount of Five Million
26 Dollars (\$5,000,000); and

1 2. For punitive damages in an amount to be proven at
2 trial.

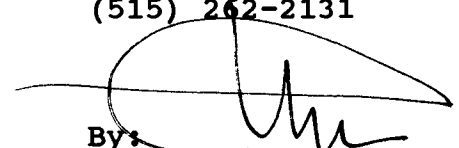
3 DATED: August 3, 1994

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7
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10 DATED: August 4, 1994

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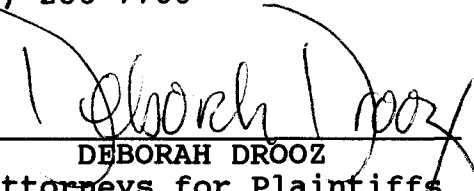
13
14 By: 
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15 Attorneys for Plaintiffs
 CARL WILSON and AUDREE WILSON

PLAINTIFFS HEREBY DEMAND A JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b),
plaintiffs hereby demand a trial by jury in this action.

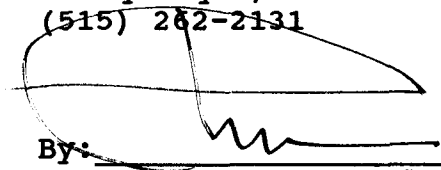
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